

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk, and for the further reason that it was labeled and branded so as to deceive and mislead the purchaser, the said product being labeled and branded "Evaporated Milk," whereas, in truth and in fact, it was not.

On October 4, 1918, the case having come on to be heard on the libel and the answer and claim of the Aviston Condensed Milk Co., a corporation, Aviston, Ill., judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$700, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6800. Adulteration and misbranding of oat middlings. U. S. * * * v. 670 Bags of Oat Middlings. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9174. I. S. No. 2001-r. S. No. W-230.)

On July 29, 1918, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 670 bags of oat middlings, consigned on or about June 10, 1918, by the Bozeman Milling Co., Bozeman, Mont., remaining unsold in the original unbroken packages, at Kent, Wash., alleging that the article had been shipped and transported from the State of Montana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "90 lbs. Oat Mdgs."

Adulteration of the article was alleged in the libel for the reason that a product consisting largely of oat hulls had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for oat middlings, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oat middlings.

On August 5, 1918, the said Bozeman Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings, and the execution of a bond in the sum of \$700, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the direction and supervision of a representative of this department.

J. R. Riggs, *Acting Secretary of Agriculture.*